

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

'98 JAN 28 PM 12 19

**IN RE: APPLICATION OF ELECTRIC)
POWER BOARD OF CHATTANOOGA)
FOR A CERTIFICATE OF PUBLIC) DOCKET NO. 97-07488
CONVENIENCE AND NECESSITY TO)
PROVIDE INTRASTATE)
TELECOMMUNICATIONS SERVICE)**

**REPORT AND RECOMMENDATION OF HEARING OFFICER FROM THE PRE-
HEARING CONFERENCE HELD DECEMBER 29, 1997**

This is a case of first impression which is before the Tennessee Regulatory Authority ("Authority") pursuant to an Application filed on October 21, 1997, by the Petitioner, the Electric Power Board of Chattanooga ("EPB") for a Certificate of Public Convenience and Necessity ("CCN") to become a competing telecommunications service provider as defined in T.C.A. § 65-4-101(e) and T.C.A. § 65-4-201

I. Background

On October 29, 1997, AT&T Communications of the South Central States, Inc., and BellSouth Telecommunications filed petitions requesting intervention in this proceeding. On November 3, 1997, the Authority issued a Notice of Hearing, scheduling the Hearing on December 2, 1997. On November 7, 1997, the Authority issued data requests to the Electric Power Board of Chattanooga. These questions were associated with the statutory duties imposed under T.C.A. §§ 7-52-401 and 402. A copy of these statutes are attached to this Report as Attachment 1. Thereafter, on November 15, 1997, EPB moved for an extension of time to answer the data requests until December 10, 1997, and that the Hearing date be postponed until on or about January 14, 1998.

On November 12, 1997, the Tennessee Cable Telecommunications Association filed for intervention followed closely on November 19, 1997, by American Communications Services,

Inc , and on November 26, 1997, by the Consumer Advocate Division On December 2, 1997, at its regularly scheduled Director's Conference, the Authority approved the Motion of EPB for an extension of time to file answers to the Authority's data requests and postponed the Hearing date During discussion of this matter at the Director's Conference, the parties to the proceeding indicated that it would be necessary to take discovery and to hold a Pre-Hearing Conference to refine the issues The Authority appointed Dennis P McNamee, the General Counsel or his designee, to serve as Hearing Officer for this case to refine the issues and set a procedural schedule at the Pre-Hearing Conference

NEXTLINK, Tennessee filed for intervention on December 5, 1997, and Tennessee Power Company intervened on December 23, 1997 A Notice of the Pre-Hearing Conference was issued on December 15, 1997, to be held on December 29, 1997 On December 29, 1997, EPB filed an Objection to the Intervention of Tennessee Power Company or Motion to Limit their participation to the issues in the proceeding On January 2, 1998, subsequent to the Pre-Hearing Conference, MCI Telecommunications Corporation also filed for leave to intervene

The Pre-Hearing Conference in this proceeding was held on December 29, 1997, at 1 30 P M for the limited purposes of (1) considering interventions, (2) determining a statement of issues, (3) obtaining admissions of fact and documents which will avoid unnecessary proof, (4) limiting expert witnesses, if appropriate, and (5) establishing a discovery schedule and Hearing date The Pre-Hearing Conference was conducted pursuant to T C A § 4-5-306 The following appearances were entered in the proceeding

Carlos C. Smith, Esq., William C. Carriger, Esq., and Mark W. Smith, Esq., Strang Fletcher, Carriger, Walker, Hodge & Smith, PLLC, 400 Krystal Buileing, Chattanooga, TN 37402, for the Electric Power Board of Chattanooga,

Patrick Turner, Esq., for BellSouth Telecommunications, Inc , 333 Commerce Street, Nashville, TN 37201

Charles B. Welch, Jr., Esq., Farris, Mathews, Gilman, Branan & Hellen, P L C , for the Tennessee Cable Telecommunications Association

Henry Walker, Esq., Boulton, Cummings, Connors & Berry, P O Box 198062, Nashville, TN 37201, for ACSI and, in limited representation, for **Dana Shaffer, Esq.,** NEXTLINK, Tennessee

Val Sanford, Esq., Gullett, Sanford, Robinson & Martin, P O Box 198888, Nashville, TN 37219, for AT&T Communications of the South Central States, Inc

Counsel for EPB participated by telephone Also participating by telephone for EPB was Ron Fugett, executive vice-president, and Steve Lawrence, vice president of engineering

II. Interventions

Prior to the Pre-Hearing Conference, the Authority, granted interventions to AT&T Communications of the South Central States, Inc , BellSouth Telecommunications, Tennessee Cable Telecommunications Association, American Communications Services, Inc , and the Office of the Attorney General, Consumer Advocate Division

NextLink, Tennessee ("NEXTLINK"), and the Tennessee Power Company requested intervention after the December 2, 1997, Director's Conference, and were considered at the Pre-Hearing Conference There was no objection to the admission of NEXTLINK, Tennessee to the proceeding, and the Hearing Officer grants its intervention The Order granting the NEXTLINK, Tennessee intervention is attached as Attachment 2 There was discussion concerning the admission of Tennessee Power Company

On December 29, 1997, EPB filed an Objection to the Intervention of Tennessee Power Company or Motion to Limit their participation to the issues in the proceeding The Hearing Officer was presented with a copy of the Objection and Motion prior to the Pre-Hearing Conference, and the Objection and Motion were considered at the Pre-Hearing Conference Tennessee Power Company is a single consumer who has an interest in electric power and associated matters, and at one time worked for the Tennessee Valley Authority ("TVA") EPB is familiar with this individual and informed the Hearing Officer that this individual occasionally participates in cases at the Federal Energy Regulatory Authority The Hearing Officer notes the objection of EPB It is the opinion of the Hearing Officer that the liberal intervention policy of the Authority permits the Tennessee Power Company access to our process and proceedings, however, the Hearing Officer also notes that many of the concerns in the Tennessee Power Company intervention do not strictly coincide with these proceedings Therefore, the Hearing Officer grants the intervention of the Tennessee Power Company, but also grants the Motion of EPB to limit the participation of Tennessee Power Company to the issues in this proceeding A

copy of the Hearing Officer's Order granting Tennessee Power Company intervenor status and limiting their participation to the issues in this proceeding is attached as Attachment 3

III. Determining a Statement of Issues

In the Notice of the Pre-Hearing Conference, dated December 15, 1997, the parties were encouraged to submit a statement of the issues in the case to the Hearing Officer not later than December 22, 1997, for inclusion in the Pre-Hearing Conference Agenda. A copy of the Agenda for the Pre-Hearing Conference incorporating the issues from the parties is attached to this Report as Attachment 4. With the exception of EPB, the parties expressed agreement that there were issues that needed to be resolved before a CCN could be issued and EPB could file a tariff. Several parties expressed that as a case of first impression these issues needed to be resolved, if only to set policies and procedures for future applicants.

III(a). Threshold Issue: is the Electric Power Board subject to the provisions of T.C.A. § 65-5-208(c)?

The parties expressed concern at the Pre-Hearing Conference that there should be a square one demonstration that EPB will comply with statutory provisions against cross subsidization. The pertinent section of T C A § 65-5-208(c) states

Effective January 1, 1996, an incumbent local exchange telephone company shall adhere to a price floor for its competitive services subject to such determination as the authority shall make pursuant to § 65-5-207. The price floor shall equal the incumbent local exchange telephone company's tariffed rates for essential elements utilized by competing telecommunications service providers plus the total long-run incremental cost of the competitive elements of the service. When shown to be in the public interest, the authority shall exempt a service or group of services provided by an incumbent local exchange telephone company from the requirement of the price floor. **The authority shall, as appropriate, also adopt other rules or issue orders to prohibit cross-subsidization, preferences to competitive services or affiliated entities, predatory pricing, price squeezing, price discrimination, tying arrangements or other anti-competitive practices** (Emphasis added)

EPB believes that this provision only applies to Incumbent Local Exchange Carriers, the parties disagree, and feel that this issue must be addressed

III(b). Threshold Issue: should the EPB be required to demonstrate compliance with T.C.A. § 7-52-401, et. seq., prior to consideration of their Application to become a competing telecommunications provider?

The statutes with which the parties expressed concern are

- 7-52-401 Authority with relations to telecommunications equipment and services
- 7-52-402 Subsidies - Municipal costs
- 7-52-403 Applicability to municipalities - Municipalities subject to regulatory laws and rules
- 7-52-404 Tax equivalent payments
- 7-52-405 Allocation of costs by municipalities
- 7-52-406 Licensing laws not superseded - Applicability to cable services.
- 7-52-407 Supersession of conflicting laws

III(c). Is a rulemaking procedure necessary before or after this proceeding to continue to determine compliance pursuant to T.C.A. § 7-52-401, et. seq.?

If there is a determination that a rule making procedure is necessary before or after this proceeding to allow for determination of compliance under T C A § 7-52-401, et seq, then the parties suggested that some questions which needed to be answered were

- A What rules and/or reporting requirements are necessary to ensure compliance with T C A §7-52-402(2)?
- B What rules are necessary to ensure EPB's compliance with T C A §7-52-404?
- C What reporting requirements are necessary?
- D What rules and/or reporting requirements are necessary to ensure EPB's compliance with T C A §7-52-405?

III(d). Issues for Certification of EPB as a Competing Telecommunications Provider.

1 Whether, in accordance with T C A § 65-4-201(c)(1), the EPB has demonstrated that it will adhere to all applicable policies, rules and orders of the Tennessee Regulatory Authority,

a) Is the EPB presently capable of complying with all existing policies, rules, and orders of the Authority in the same manner and to the same extent as other certificated providers of telecommunications services including, without limitation, rules or orders governing anti-competitive practices?

b) Insofar as the requirements of the City of Chattanooga are concerned, what will be the difference, if any, between what is required of the EPB and investor-owned telecommunications service providers operating within its limits?

c) Are the limitations imposed on the EPB by its wholesale power contract with the TVA enforceable by anyone other than the TVA, or otherwise adequate to meet the limitations imposed by Chapter 531 of the Public Acts of 1997 and of T C A § 65-5-208(c)?

d) In view of the position of the EPB as a municipally owned, monopoly provider of electric power services, should the Authority impose special accounting, cost allocation, reporting, marketing and tariff requirements in order to assure compliance with T C A § 65-5-208(c)?

2 Whether, in accordance with T C A § 65-4-201(c)(2), the EPB possesses sufficient managerial, financial and technical abilities to provide the applied-for services

a) What portion of the EPB's electric plant is to be allocated to telecommunications services and how will the costs be allocated to telecommunications services for regulatory purposes?

b) To what extent, and by what authority, is the EPB "independent" of the City of Chattanooga, as stated in the Application?

c) Does the City of Chattanooga require telecommunications service providers operating within its limits to obtain franchises or rights-of-way agreements from the City and pay to the City, fees, rentals or other charges?

d) Is the City of Chattanooga or the EPB in the issuance of evidences of indebtedness subject to the provisions of T C A § 65-4-109?

e) To what extent will the EPB jointly market, or otherwise collaborate in the offering of, its telecommunications and its power services and should limitations be placed on such joint marketing or other collaboration?

f) Should the power of the EPB over pole attachments be considered by the TRA in determining the criteria necessary to assure compliance with T C A §65-5-208(c)?

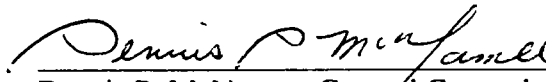
3 Whether the small and minority-owned telecommunications business participation plan attached to the EPB's Application satisfies the requirements of T C A § 65-4-212

IV. Discovery Schedule and Hearing Date

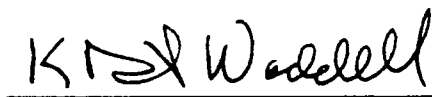
| | |
|-------------------------------|-------------------|
| Discovery requests | January 28, 1998 |
| Answers to Discovery requests | February 13, 1998 |
| Prefiled Testimony | February 27, 1998 |
| Pre-Hearing briefs | March 13, 1998 |
| Rebuttal Testimony | March 13, 1998 |
| Reply briefs | April 1, 1998 |
| Hearing | April 23, 1998 |
| Post Hearing Briefs | May 15, 1998 |

All submissions are due in the Office of the Executive Secretary of the Authority not later than Noon on the due date Facsimile submissions will not be accepted, and the Authority reserves the right to modify this schedule at any time

Respectfully submitted,


Dennis P. McNamee, General Counsel, Acting as
Hearing Officer

ATTEST


K David Waddell

Attachment 1

TELECOMMUNICATIONS SERVICES

7-52-401. Authority with relations to telecommunications equipment and services.

Statute text

Every municipality operating and electric plant, whether pursuant to this chapter or any other public or private act or the provisions of the charter of the municipality, county or metropolitan government, has the power and is authorized, on behalf of its municipality acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant, to acquire, construct, own, improve, operate, lease, maintain, sell, mortgage, pledge or otherwise dispose of any system, plant or equipment for the provision of telephone, telegraph, telecommunications services, or any other like system, plant, or equipment within and/or without the corporate or county limits of such municipality, and, with the consent of such other municipality, within the corporate or county limits of any other municipality, in compliance with title 65, chapters 4 and 5, and all other applicable state and federal laws, rules and regulations. A municipality shall only be authorized to provide telephone, telegraph or telecommunications services through its board or supervisory body having responsibility for the municipality's electric plant. A municipality providing any of the services authorized by this section may not dispose of all or substantially all of the system, plant and equipment used to provide such services except upon compliance with the procedures set forth in § 7-52-132. Notwithstanding § 65-4-101(a)(2) or any other provision of this code or of any private act, to the extent that any municipality provides any of the services authorized by this section, such municipality shall be subject to regulation by the Tennessee Regulatory Authority in the same manner and to the same extent as other certificated providers of telecommunications services, including without limitation rules or orders governing anti-competitive practices, and shall be considered as and have the duties of a public utility, as defined in § 65-4-101, but only to the extent necessary to effect such regulation and only with respect to such municipality's provision of telephone, telegraph and communication services.

History

[Acts 1997, ch 531, § 2]

Annotations

Effective Dates Acts 1997, ch 531, § 15 June 19, 1997

Section to Section References This section is referred to in §§ 7-52-402 - 7-52-405

7-52-402. Subsidies - Municipal costs.

Statute text

A municipality providing any of the services authorized by § 7-52-401 shall not provide subsidies for such services. Notwithstanding the limitations set forth in the preceding sentence, a municipality providing such services shall be authorized to

- (1) Dedicate a reasonable portion of the electric plant to the provision of such services the costs of which shall be allocated to such services for regulatory purposes, and
- (2) Lend funds, at a rate of interest not less than the highest rate then earned by the municipality on invested electric plant funds, to acquire, construct, and provide working capital for the system, plant, and equipment necessary to provide any of the services authorized under § 7-52-401, provided, that such interest costs shall be allocated to the cost of such services for regulatory purposes. Any loan of funds made pursuant to this section shall be approved in advance by the state director of local finance and shall contain such provisions as are required by the state director

History

[Acts 1997, ch 531, § 3]

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

Attachment

**IN RE: APPLICATION OF ELECTRIC)
POWER BOARD OF CHATTANOOGA)
FOR A CERTIFICATE OF PUBLIC) DOCKET NO. 97-07488
CONVENIENCE AND NECESSITY TO)
PROVIDE INTRASTATE)
TELECOMMUNICATIONS SERVICE)**

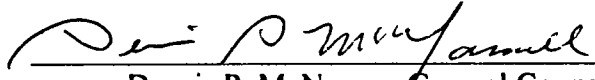
**ORDER GRANTING INTERVENTION TO MCI TELECOMMUNICATIONS
CORPORATION AND NEXTLINK, TENNESSEE**

This matter is before the Tennessee Regulatory Authority ("Authority") upon the Petition of NEXTLINK, Tennessee and MCI Telecommunications Corporation for leave to intervene and participate in this proceeding as their interests may appear. Dennis P. McNamee, acting as the Hearing Officer considered this matter at a scheduled Pre-Hearing Conference held on December 29, 1997. Pursuant to Tenn. Code Ann. § 4-5-310, the Hearing Officer has determined that this proceeding and the actions which may be taken by the Authority herein may affect or determine the legal rights and duties of the Parties, and that the interest of justice and the orderly and prompt conduct of this proceeding will not be impaired by allowing these interventions.

IT IS THEREFORE ORDERED THAT:

1 MCI Telecommunications Corporation and NEXTLINK, Tennessee are hereby granted leave to intervene and to participate in this proceeding as their interests may appear and to receive copies of any notices, orders or other documents herein.

2 That any Party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days of the date of this Order


Dennis P. McNamee, General Counsel,
Acting as Hearing Officer

ATTEST

K David Waddell
Executive Secretary

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

Attachment 3

**IN RE: APPLICATION OF ELECTRIC)
POWER BOARD OF CHATTANOOGA)
FOR A CERTIFICATE OF PUBLIC) DOCKET NO. 97-07488
CONVENIENCE AND NECESSITY TO)
PROVIDE INTRASTATE)
TELECOMMUNICATIONS SERVICE)**

**ORDER GRANTING INTERVENTION TO TENNESSEE POWER COMPANY
AND GRANTING THE MOTION OF ELECTRIC POWER BOARD OF
CHATTANOOGA TO LIMIT THE INTERVENOR TO THE ISSUES**

This matter is before the Tennessee Regulatory Authority ("Authority") upon the Petition of Tennessee Power Company for leave to intervene and participate in this proceeding as their interests may appear

On December 29, 1997, EPB filed an Objection to the Intervention of Tennessee Power Company or Motion to Limit their participation to the issues in the proceeding. Dennis P. McNamee, acting as the Hearing Officer, considered this matter at a scheduled Pre-Hearing Conference held on December 29, 1997. Pursuant to Tenn. Code Ann. § 4-5-310, it is the opinion of the Hearing Officer that the liberal intervention policy of the Authority permits the Tennessee Power Company access to our process and proceedings, however, the Hearing Officer also notes that many of the concerns in the Tennessee Power Company intervention do not strictly coincide with these proceedings. Therefore, the Hearing Officer grants the intervention of the Tennessee Power Company, but also grants the Motion of EPB to limit the participation of Tennessee Power Company to the issues in this proceeding. The interests of justice and the orderly and prompt conduct of this proceeding will not be impaired by allowing this intervention.

IT IS THEREFORE ORDERED THAT:

1. Tennessee Power Company is hereby granted leave to intervene and to participate in this proceeding as their interests may appear and to receive copies of any notices, orders or other documents herein
- 2 The Motion of EPB to limit the Tennessee Power Company to the issues in this proceeding is granted
- 3 That any Party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days of the date of this Order

Dennis P. McNamee, General Counsel,
Acting as Hearing Officer

ATTEST

K. David Waddell
Executive Secretary

TENNESSEE REGULATORY AUTHORITY

Lynn Greer, Chairman
Sara Kyle, Director
Melvin Malone, Director



460 James Robertson Parkway
Nashville, Tennessee 37243-0505
Attachment

PRE-HEARING CONFERENCE AGENDA

DOCKET: 97-07488

IN RE Application of Electric Power Board of Chattanooga, for a Certificate of Convenience and Necessity to Provide Intrastate Telecommunications Services

DATE December 29, 1997, at 1 30 PM

This Pre-Hearing Conference in the above-captioned proceeding was scheduled by Notice dated December 15, 1997, for the purpose of

- 1 Considering interventions
- 2 Determining a statement of issues, and simplifying those issues, if appropriate
- 3 Obtaining admissions of fact and documents which will avoid unnecessary proof
- 4 Limiting expert witnesses if appropriate
- 5 Establishing a discovery schedule and hearing date

This pre-hearing conference is being conducted, pursuant to *T.C.A. 4-5-306*, before TRA General Counsel Dennis McNamee in the Hearing Room at the Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville, Tennessee

First Item for Discussion: Interventions.

The following petitioners have requested intervention NextLink, Tennessee ("NEXTLINK"), and the Tennessee Power Company

Second Item For Discussion: Determining a Statement of Issues, and Simplifying Those Issues, If Appropriate

The parties were encouraged to submit a statement of the issues in the case to the Pre-Hearing Officer not later than December 22, 1997, for inclusion in the Pre-Hearing Agenda

The Parties submitted the following items for discussion

ISSUES SUBMITTED BY
TENNESSEE CABLE TELECOMMUNICATIONS ASSOCIATION

- 1 Is the Electric Power of Chattanooga ("EPB") in compliance with all applicable provisions of *Part 2 of Chapter 4 of Title 65 of the Tennessee Code Annotated*?
- 2 Is the EPB presently capable of complying with all existing policies, rules, and orders of the Tennessee Regulatory Authority in the same manner and to the same extent as other certificated providers of telecommunications services including, without limitation, rules or orders governing anti-competitive practices?
- 3 What portion of the EPB's electric plant is to be allocated to telecommunications services and how will the costs be allocated to telecommunications services for regulatory purposes?
- 4 What rules and/or reporting requirements are necessary to ensure EPB's compliance with *TCA §7-52-402(2)*?
- 5 What rules are necessary to ensure EPB's compliance with *TCA §7-52-404*?
- 6 What reporting requirements are necessary?
- 7 What rules and/or reporting requirements are necessary to ensure EPB's compliance with *TCA §7-52-405*?

ISSUES SUBMITTED BY
ELECTRIC POWER BOARD OF CHATTANOOGA

1. Whether, in accordance with *Tennessee Code Annotated* § 65-4-201(c)(1), the Electric Power Board has demonstrated that it will adhere to all applicable policies, rules and orders of the Tennessee Regulatory Authority,
2. Whether, in accordance with *Tennessee Code Annotated* § 65-4-201(c)(2), the Electric Power Board possesses sufficient managerial, financial and technical abilities to provide the applied-for services, and
3. Whether the small and minority-owned telecommunications business participation plan attached to the Electric Power Board's Application satisfies the requirements of *Tennessee Code Annotated* § 65-4-212

ISSUES SUBMITTED BY
BELLSOUTH TELECOMMUNICATIONS, INC.

1. Is the Electric Power Board of Chattanooga ("EPB") in compliance with the provisions of *Part 4 of Chapter 52 of Title 7 of the Tennessee Code Annotated*?
2. Is the EPB in compliance with the provisions of *Part 2 of Chapter 4 of Title 65 of the Tennessee Code Annotated*?

ISSUES SUBMITTED BY
AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC.

1. To what extent, and by what authority, is the Chattanooga Electric Power Board
"independent" of the City of Chattanooga, as stated in the Application?

2 Does the City of Chattanooga require telecommunications service providers operating within its limits to obtain franchises or rights-of-way agreements from the City and pay to the City, fees, rentals or other charges?

3. Insofar as the requirements of the City of Chattanooga are concerned, what will be the difference, if any, between what is required of the Chattanooga Electric Power Board and investor-owned telecommunications service providers operating within its limits?

4 Are the limitations imposed on the Chattanooga Electric Power Board by its wholesale power contract with the Tennessee Valley Authority enforceable by anyone other than the TVA, or otherwise adequate to meet the limitations imposed by Chapter 531 of the Public Acts of 1997 and of T C A §65-5-208(c)?

5 How does the Chattanooga Electric Power Board propose to comply with the requirements of Section 5 of Chapter 531 of the Public Acts of 1997?

6. How does the Chattanooga Electric Power Board propose to comply with the requirements of Section 6 of Chapter 531 of the Public Acts of 1997?

7 To what extent will the Chattanooga Electric Power Board jointly market, or otherwise collaborate in the offering of, its telecommunications and its power services and should limitations be placed on such joint marketing or other collaboration?

8 Is the City of Chattanooga or the Chattanooga Electric Power Board in the issuance of evidences of indebtedness subject to the provisions of T C A §65-4-109?

9 In view of the position of the Chattanooga Electric Power Board as a municipally owned, monopoly provider of electric power services, should the TRA impose

special accounting, cost allocation, reporting, marketing and tariff requirements in order to assure compliance with T C A §65-5-208(c)?

10 Should the power of the Chattanooga Electric Power Board over pole attachments be considered by the TRA in determining the criteria necessary to assure compliance with T C A §65-5-208(c)?

Third Item for Discussion: Obtaining admissions of fact and documents which will avoid unnecessary proof.

Issues to be briefed rather than presented for Hearing, stipulations and admissions Is a Protective Order necessary?

Fourth Item for Discussion: Limiting expert witnesses if appropriate.

Limitations on Interrogatories, dates for other forms of discovery and notices of depositions if necessary, names of witnesses, and whether a scheduling conference is necessary?

Fifth Item for Discussion: Establishing a discovery schedule and hearing date.

| | |
|-------------------------------|---------------------------|
| Discovery requests | January 28, 1998 |
| Answers to Discovery requests | February 13, 1998 |
| Prefiled Testimony | February 27, 1998 |
| Pre-Hearing briefs | March 13, 1998 |
| Rebuttal Testimony | March 13, 1998 |
| Reply briefs | April 1, 1998 |
| Hearing | April 23, 1998 |
| Post Hearing Briefs | Three weeks after Hearing |